

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

Clayton Carnes and Linda Carnes (h/w))	CA: 0:13-591-CMC
)	
Plaintiff(s),)	
)	AMENDED
v.)	SCHEDULING ORDER
)	
Eli Lilly and Company, an Indiana corporation)	
)	
Defendant(s).)	

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this Court, the following schedule is established for this case.

1. Motions to join other parties and amend the pleadings (Fed. R. Civ. P. 16(b)(1)) shall be filed no later than **August 9, 2013**.
2. Plaintiff(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel* has been disclosed to other parties by **February 7, 2014**. ***NOTE: Amendments effective December 1, 2010, impose new disclosure requirements for certain expert witnesses.**
3. Defendant(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Defendant(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel* has been disclosed to other parties by **March 7, 2014**. ***NOTE: Amendments effective December 1, 2010, impose new disclosure requirements for certain expert witnesses.**
4. Counsel shall file and serve a document identifying all records custodian witnesses proposed to be presented by affidavit at trial and certifying that appropriate affidavits with attached records have been served on other parties no later than **March 10, 2014**. Objections to such affidavits must be made within fourteen (14) days after the service of the disclosure. *See* Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3).
5. Discovery shall be completed in accordance with the schedule set out below. **No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02, and have had a telephone conference with Judge Currie in an attempt to resolve the matter informally.**
 - a. **Discovery Period for Core Case-Specific Discovery. May 15, 2013-August 30, 2013**

- i. Deadline for production of documents contained in Cymbalta IND/NDA files. **July 15, 2013.**
 - ii. Deadline for production of all documents concerning (1) Plaintiff's treatment with Cymbalta and (2) any medical treatment or evaluation Plaintiff received for any injury Plaintiff claims resulted from the use of Cymbalta. **July 15, 2013**
 - iii. Deposition of Trey Knight, M.D.: **30 days following completed production of Paragraph 5(a)(ii) materials**
 - iv. Deadline for filing of all summary judgment motions on Core Discovery issues: **30 days following deposition provided for under Paragraph 5(a)(iii)**
- b. Discovery Period for Non-Core Discovery:¹ **September 2, 2013 - May 2, 2014.** All discovery requests shall be served in time for the responses thereto to be served by this date. De bene esse depositions must be completed by the discovery deadline.
6. All motions, except those to complete discovery, those nonwaivable motions made pursuant to Fed. R. Civ. P. 12, and those relating to the admissibility of evidence at trial, shall be filed on or before June 9, 2014. (Fed. R. Civ. P. 16(b)(2)).
7. Mediation, pursuant to Local Civil Rules 16.04 – 16.12, shall be completed in this case on or before August 1, 2014. See Standing Order to Conduct Mediation 4:00-mc-5001, filed December 1, 2000, which sets forth mediation requirements (<http://www.scd.uscourts.gov>). At least twenty-eight (28) days prior to this mediation deadline, counsel for each party shall file and serve a statement certifying that counsel has: (1) provided the party with a copy of Standing Order 4:00-mc-5001; (2) discussed the availability of mediation with the party; and (3) discussed the advisability and timing of mediation with opposing counsel.
8. No later than July 15, 2014 the parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures. Within fourteen (14) days thereafter, a party shall file and exchange Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter-designations under Fed. R. Civ. P. 32(a)(4).
9. Motions in limine must be filed by August 6, 2014.
10. Parties shall furnish the Court pretrial briefs seven (7) days prior to the date set for jury

¹ All Non-Core Discovery will be stayed pending resolution of any summary judgment motion filed pursuant to Paragraph 5(a)(iv).

selection (Local Civil Rule 26.05).² Attorneys shall meet at least seven (7) days prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. *See Local Civil Rule 26.07.*

11. This case is subject to being called for jury selection and/or trial on or after **October 13, 2014.**

The parties' attention is directed to the *Notice of Availability of United States Magistrate Judge to Exercise Jurisdiction*. A copy of the form is available in the Clerk's office or at the Court's internet site at <http://www.scd.uscourts.gov>.

s/Cameron McGowan Currie
CAMERON McGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
May 21, 2013

²Judge Currie requires that pretrial briefs be filed with the Clerk of Court as part of the public record and served on opposing parties.